

**TOWN OF AMHERST, MASSACHUSETTS  
APPLICATION FOR RESERVATION OF THE GRASS OR PAVED  
AREAS OF THE TOWN COMMON OR TOWN WAY**

*Information contained on this form is public information*

**PLEASE NOTE THAT APPLICATIONS FOR THE NEW YEAR WILL NOT BE ACCEPTED  
UNTIL 9:00 AM ON THE FIRST DAY WE ARE OPEN IN JANUARY.**

**Name of Sponsoring Organization:** \_\_\_\_\_

**Address of Sponsoring Organization:**

\_\_\_\_\_  
\_\_\_\_\_

**Phone #** \_\_\_\_\_

**Reservation Requested by:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone #** \_\_\_\_\_ **Email** \_\_\_\_\_

**Motor Vehicle Driver's License Number** \_\_\_\_\_ **State** \_\_\_\_\_

**Specific Location Requested (north or south common):** \_\_\_\_\_

**Alternate Location:** \_\_\_\_\_

**Description of Activity (Please be Specific):** \_\_\_\_\_

Parades or road races require separate application and approval by the Police Chief.

**Set-up Date:** \_\_\_\_\_

Date      Time Begin    –    Time End

**Event Date/Hours:**

\_\_\_\_\_

Date      Time Begin    –    Time End

\_\_\_\_\_

Date      Time Begin    –    Time End

\_\_\_\_\_

Date      Time Begin    –    Time End

**Clean-up Date:** \_\_\_\_\_

Date      Time Begin    –    Time End

**CONTINUE ON BACK**

### ADDITIONAL INFORMATION

1. List of responsible individuals and times they will be in charge:

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2. What is your plan for clean-up of the area immediately upon conclusion of event?

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3. Number of people anticipated in connection with the event (please check one):

Less than 75 \_\_\_\_\_ Greater than 75 \_\_\_\_\_

*(Temporary bathroom facilities may be required) Effective July 1, 2007 any event 75 or more people anticipated will require police officers and you have to contact the Police Department to complete an "outside work detail" form and you must pre-pay:*

4. Will food be served? Yes / No  
(please circle one)

5. Electricity Required? Yes / No  
(please circle one)

*(Please refer to Section 6 of the Rules and Orders Regulating the Use of the Town Common and/or Paved Areas regarding the use of electricity.)*

6. Do you intend to erect a tent or shelter?

Yes / No (please circle one)

In addition, the applicant agrees that the use of sound equipment will be reduced or eliminated upon the request of the Amherst Police Department.

#### **OFFICE USE ONLY**

**Date/Time Received** \_\_\_\_\_

**Reservation #** \_\_\_\_\_

**Date Reservation Confirmed** \_\_\_\_\_

**APPROVED** \_\_\_\_\_

**SUPERINTENDENT OF PUBLIC WORKS** **DATE**

**APPROVED** \_\_\_\_\_

**POLICE CHIEF** **DATE**

I have read the attached *Rules & Orders Regulating the Town Common* and agree to abide by them.

X \_\_\_\_\_  
Applicant Signature

Confirmation letter \_\_\_\_\_

cc: Selectboard \_\_\_\_\_

Health \_\_\_\_\_

Inspections/Electrical \_\_\_\_\_

Chamber \_\_\_\_\_

Police \_\_\_\_\_

**Vehicles are PROHIBITED on the Common without prior permission from the Department of Public Works.**

## TOWN COMMON RESERVATION CHECKLIST

	<b>PROCEDURE</b>
	<ul style="list-style-type: none"> <li>• Reserve date with the Department of Public Works, 259-3050, Ext. 0</li> <li>• Complete Common Reservation Form and return to the Superintendent of Public Works, 586 South Pleasant Street, Amherst, MA for processing.</li> <li>• Include letter to Select Board if requesting street closing or parking restrictions. (See below.)</li> </ul>
	<b><i>Secure permits, if appropriate, for event as follows:</i></b>
	<b>Police Detail:</b>
	<ul style="list-style-type: none"> <li>• Police Department – 259-3000</li> <li>• Police details required for events with 75 or more attendees anticipated.</li> <li>• Before issuance of permit any police details must be paid for in full</li> </ul>
	<b>Food:</b>
	<ul style="list-style-type: none"> <li>• Health Sanitarian, 259-3077</li> <li>• Fire Department, 259-3245 - If cooking with Propane</li> <li>• <b>Permits</b> – a minimum of two weeks prior to event, secure any permits required for food handling, food sales, etc.</li> </ul>
	<b>Bathroom Facilities (temporary):</b>
	<ul style="list-style-type: none"> <li>• Health Sanitarian, 259-3077</li> <li>• A minimum of two weeks prior to event, contact Health Sanitarian to determine number of facilities required.</li> <li>• Pay inspection fee.</li> </ul>
	<b>Electrical Usage:</b>
	<ul style="list-style-type: none"> <li>• Department of Public Works 259-3050, Ext.0</li> <li>• A minimum of two weeks prior to event, pay activation and usage fee.</li> </ul>
	<ul style="list-style-type: none"> <li>• Electrical Inspector, 259-3030</li> <li>• <b>Permits</b> – a minimum of two weeks prior to event, secure any permits required for electrical wiring, etc.</li> </ul>
	<b>Tents or Staging</b>
	<ul style="list-style-type: none"> <li>• Inspection Services – 259-3030</li> <li>• A minimum of three weeks prior to the event, contact Inspection Services to determine if inspection and a permit is required for a tent or temporary staging.</li> <li>• If erecting a tent or temporary staging, contact “Dig Safe” at 1-888-344-7233.</li> </ul>
	<b>Street Closings and/or Parking Restrictions</b>
	<ul style="list-style-type: none"> <li>• If you are requesting special consideration for a street closing or parking restrictions, you must put your request in writing to the Select Board, 4 Boltwood Avenue, Amherst, MA 01002, or selectboard@amherstma.gov, <b>a minimum of four weeks prior to your event</b>. The Select Board will need to vote on the request at one of their regularly scheduled meetings.</li> </ul>



## **RULES AND ORDERS REGULATING THE USE OF THE TOWN COMMON AND/OR PAVED AREAS**

### **Section 1**      **General Policies**

Permission for use of Common space may be granted to groups or private individuals. Approval of a display or event does not imply endorsement by the Select Board or the Town. Permission will be granted for events held during daylight hours, special requests for evening operation will be considered individually.

Wires, equipment, signs, tents or other structures, or any other miscellaneous items, etc., will not be hung from trees.

Temporary displays or structures may require approval by the Building Commissioner. Food sales may require obtaining a permit from the Town's Board of Health.

### **Section 2**      **General Usage Policy**

The Common is a public area for use by the public. A permit to reserve the Common does not allow the permit holder to prevent anyone from entering onto the Common space. A fee shall not be required for anyone to enter the Common. Individuals or for-profit businesses/organizations may not hold events which are for the purpose of profit. The Town may require an organization to present a copy of their non-profit status as approved by the Federal Government or the Commonwealth.

The Common has been divided into two separate areas; the North Common and South Common. The North Common is the area located between the Spring Street and Main Street. The South Common is located between Spring Street and Route 9.

These two areas are treated separately. Reserving one area does not reserve the other. If one of the areas is reserved and another group wishes to use that reserved area during the same time, all subsequent groups must obtain permission from the first group before a permit will be issued.

### **Section 3**      **Application for Use of the Common and/or Paved Area**

3.1 Applications will be available from the Department of Public Works and may include, but not necessarily be limited to, the following information:

- Name of group or individual;
- Contact person(s) and phone number(s);
- **For events only:** The applicant must designate a person or persons responsible for the event who will be at the Common during the entire event. If several people will take shifts, these people and their times must be noted on the application form.
- Nature and purpose of display or event;
- Date(s) desired;
- Area of Common (i.e., North, South or all, and/or paved area)
- Time(s) of operation;
- Clean-up plan.

3.2 Applications for the Paved Area will be made separately and must also be approved by the Department of Public Works and the Chief of Police.

### **Section 4**      **Prohibited Practices**

- 4.1 In accordance with Town By-laws, absolutely no alcoholic beverages will be allowed to be served or consumed on either the Common or the Paved Areas.
- 4.2 Use of the Common by private groups or private individuals for private gain is not allowed.
- 4.3 Charging of admission is not allowed. Access to any and all parts of the Common cannot be denied to any citizen except in the case of fees paid for carnival rides, if all or a portion of that fee goes to a charitable or non-profit entity.

#### **Section 5**      **Clean-up Fee**

If the Town's Department of Public Works is needed to restore any portion of the reserved area to the condition prior to usage, the individual or organization responsible will be billed for these services.

#### **Section 6**      **Usage of Electricity**

There may be a fee for electrical usage. If the electricity has been deactivated for the season, WMECO has a reactivation fee which the individual or organization will be responsible to pay as well any usage charge. These amounts will be billed to the individual or organization by the Town.

#### **Section 7**      **Public Ways**

"A public meeting, parade or other event may be held on any town common or town way on reservation therefore first being secured from the town manager who shall issue it unless the meeting, parade or other event would conflict with another already so reserved, or unless the parade would so interfere with the vehicular traffic as to present a safety hazard. In the latter event, the town manager shall design an alternative parade route which shall adequately achieve the purposes of the paraders. Nothing herein shall prevent a nominee for elective governmental office speaking to any group, or an informal, spontaneous gathering of less than 75 persons, on any town common, without such reservation, if such activity does not interfere with another event already in progress or previously so reserved. Failure to obtain a reservation for a parade shall be punishable by a fine of not over \$50.00."<sup>1</sup>

#### **Section 8**      **Indemnification**

The Town will be held harmless from any and all claims, suits, causes of action, judgments and demands of any nature made or obtained by third parties which result from activities or actions of the Town of Amherst, its agents or servants under this permit and if judgment is entered against the Town of Amherst, said judgment will be paid by said applicant together with all interest thereon.

The Town reserves the right to review and approve/disapprove each application on a case-by-case basis and to disallow any activity that it may deem as inappropriate with the intended use and purpose of the Town Common, or which may cause harm to the inhabitants of the Town.

#### **Section 9**      **Effective Date**

These rules and orders shall become effective August 1, 1993.

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<sup>1</sup> Article 3, Section 7 Parades & Public Meetings, Town of Amherst By-laws



## **USE OF THE TOWN COMMON ORGANIZATIONAL RESPONSIBILITIES**

### **1. TRASH COLLECTION & DISPOSAL**

It is the responsibility of any organization that reserves the use of the Town Common (grass or paved areas) to insure that all refuse generated by the event is collected and disposed of properly by the organization.

The Town of Amherst will provide 50 gallon trash containers and place them on the Common prior to the event to facilitate the collection of garbage during the event. The organization sponsoring the event is responsible for providing its own recycling containers. All recyclables must be separated and appropriately recycled. The trash and the recyclables must be removed by the organization sponsoring the event from these containers and disposed of/recycled properly. The DPW will remove the empty containers the first workday following the event. The organization sponsoring the event is responsible for removing its recycling containers at the end of the event. If the Town must clean up or dispose of any trash or recyclables generated by the event, the organization sponsoring the event will be charged fees for labor, equipment and disposal.

### **2. ACCESS TO ELECTRICITY**

If your event requires electricity, you must contact the DPW, 259-3050-Ext 0, **at least 5 days prior to your event** and request power at the location that meets your needs. There is a connection charge and charge per day for moderate users. Heavier users (heating or cooking equipment, large amplification systems, etc.) will be billed for actual use plus the connection charge.

### **3. GUIDELINES FOR BATHROOM FACILITIES AT PUBLIC EVENTS**

The guidelines for bathroom facilities at public events are as follows:

1. For every two-hundred (200) females, you should have one (1) toilet facility.
2. For every five-hundred (500) males, you should have one (1) toilet facility.

The number of bathroom facilities required, as stated above depends on the number of people expected to attend a particular event. In the past, events on the Amherst Common have had a total of seven (7) facilities, of which two (2) were handicap accessible. Each bathroom facility is required to have a hand washing sink. In addition, there must be two (2) hand washing sinks in the area independent of those required in the bathroom facilities.

### **4. SALE OF FOOD AT EVENTS**

Food sales may require obtaining a permit from the Town's Sanitarian. Please contact the Inspections Services Department (259-3030) to determine whether or not a permit is required and for the regulations regarding "Mobile and Temporary" service. The cost of any food permits will be the responsibility of the applicant.

## Recycling & Refuse Management Committee

Town of Amherst, Massachusetts

c/o Amherst Department of Public Works, 586 South Pleasant Street, Amherst, MA 01002



January 3, 2014

Dear Amherst Town Common customer:

A new Town of Amherst bylaw may affect you. The law prohibits the dispensing of prepared food to customers in disposable expanded polystyrene (EPS) foam—commonly referred to as Styrofoam®—food and beverage containers. The bylaw, which became effective on January 1, 2014, applies to Amherst food establishments *and entities which require permission to use Town property or facilities*. You will find a copy of the complete bylaw enclosed. Compliance will be part of the Amherst Health Department's routine inspections; they are also responsible for the bylaw's enforcement.

The Town of Amherst is the fourth Massachusetts municipality to ban the use of disposable EPS for public food use, and in June 2014 a fifth will take effect in Somerville. Because of waste, health and environmental concerns, many other U.S. communities—including Albany, Seattle, Portland, and 64 Californian municipalities—have implemented similar bans. Please refer to "Ten Reasons to Avoid Foam Products" (on reverse), which explains the motivations behind Amherst's ban.

If you have questions about the bylaw, we encourage you to visit the Town of Amherst EPS ban webpage (<http://www.amherstma.gov/index.aspx?NID=1743>). Remaining questions may be directed to the Recycling and Refuse Management Committee via the Department of Public Works at 413-259-3050 extension 0, or the Health Department at 413-259-3077.

Sincerely,

The Town of Amherst Recycling and Refuse Management Committee

cc: John Musante, Town Manager  
Guilford Mooring, Superintendent of Public Works  
Julie Federman, Health Director  
Tony Maroulis, Amherst Area Chamber of Commerce



# Ten Reasons to Avoid Foam Products

Note: Styrofoam® is a trademark of the Dow Chemical Company for a thermal insulation product used in the construction industry. Although the term is widely used to refer to generic foam products, the more accurate term to use is “expanded polystyrene” or EPS.

1. EPS foam doesn't breakdown in landfills. The plastics industry does not provide longevity data for EPS foam, but estimates range from hundreds to thousands of years.
2. EPS foam weighs very little (it contains as much as 90% air) but is extremely bulky. Our dwindling Pioneer Valley landfills will last longer without it.
3. Recycling of food-related EPS foam items is not environmentally or economically practical; it requires more energy and water and generates more climate-changing greenhouse gases than producing it in the first place.
4. EPS foam is profitable for companies that produce it, but those companies take little (if any) responsibility for its disposal or recycling.
5. Styrene, a key component in the manufacture of EPS foam, was recently added to U.S. Dept of Health & Human Services' National Toxicology Program's Report on Carcinogens (Twelfth Edition, 2011).
6. Styrene residues are found in 100% of human fat tissue samples. It enters our bodies through the air (via cigarette smoke, and during manufacture, use, or incineration) and food (present in agricultural foods and may leach from cups/plates).
7. The manufacturing process of styrene products is unhealthy for workers. They are exposed to many harmful chemicals and experience increased cancer rates, high rates of neurotoxicological effects (balance, hearing, and concentration), skin, eye & respiratory tract irritation, depression, headaches and fatigue.
8. EPS foam is the second most abundant form of beach trash and is harmful for marine life.
9. Like most plastics, EPS foam is made from petroleum, a non-renewable resource that reinforces U.S. dependence on oil-rich countries.
10. Dozens of communities in the United States have banned EPS foam food service disposables, including Nantucket, Brookline, Great Barrington, Somerville, Albany, Portland, Seattle, and over 60 Californian municipalities.





Excerpted from The Town of Amherst Current General Bylaws,  
June 2013. To view the entire document visit:  
[www.amherstma.gov/DocumentCenter/View/23850](http://www.amherstma.gov/DocumentCenter/View/23850)

**BAN OF EPS FOAM IN FOOD ESTABLISHMENTS  
AND TOWN FACILITIES  
(STM – November 19, 2012 - Art. 9)**

**SECTION 1 PURPOSE**

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

**SECTION 2 EFFECTIVE DATE**

This bylaw shall take effect on January 1, 2014.

**SECTION 3 FINDINGS**

Expanded polystyrene food containers form a significant portion of the solid waste stream going into our landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost.

Expanded polystyrene food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries.

Styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Department of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages.

Many communities in the United States have banned expanded polystyrene food containers, including Seattle WA, Freeport Maine, Great Barrington MA and Nantucket MA.

Approximately 60% of Amherst food establishments have already stopped using expanded polystyrene food containers.

University of Massachusetts/Amherst, Amherst College, and Hampshire College food services have eliminated single-use expanded polystyrene food containers from their dining halls.

Appropriate alternative products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible.

Thus, elimination of expanded polystyrene food containers is in the best interest of the health and welfare of Town inhabitants.

#### SECTION 4 DEFINITIONS

“Disposable Food Service Container” means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this bylaw.

“Expanded Polystyrene” (EPS) means polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam.

“Polystyrene” means expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term “polystyrene” also includes clear or solid polystyrene which is known as “oriented polystyrene”.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Town Facility” means any building, structure, land or park owned or operated by the Town of Amherst, its agents and departments.

“Town Facility Users” means all persons, societies, associations, organizations or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events and food services provided at the Town’s expense.

#### SECTION 5 PROHIBITION

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Expanded Polystyrene.



## SECTION 6 DEFERMENTS

A. Upon written application, the Board of Health, after a public hearing, may defer application of this Bylaw for a Food Establishment for a one year period, upon a showing by the Food Establishment that the conditions of this Bylaw would cause undue hardship. For purposes of this Bylaw, an "undue hardship" is a situation unique to the Food Establishment where there are no reasonable alternatives to the use of expanded polystyrene disposable food service containers and compliance with this provision would cause significant economic hardship to that Food Establishment.

B. A Food Establishment granted a deferment by the Town must reapply prior to the end of the one year exemption period and demonstrate continued undue hardship, if it wishes to have the deferment extended. Deferments may only be granted for intervals not to exceed one year.

C. A deferment granted in accordance with this Section may be extended for no more than one additional one year period, upon written application to the Board of Health at least two months prior to the expiration of the first deferment period and upon a showing that the circumstances justifying the deferment continue to exist.

D. A deferment application shall include all information necessary for the Town to make its decision, including, but not limited to, documentation showing the factual support for the claimed deferment. The Board of Health may require the applicant to provide additional information to permit it to determine facts regarding the deferment application.

E. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the public health and further the interests of this Bylaw.

F. Deferment decisions are effective immediately and final.

## SECTION 7 ENFORCEMENT

A. The Health Department or its designee shall inquire on an annual basis regarding any food establishment's compliance with this bylaw as a condition for renewal of the establishment's food service permit.

B. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

C. The Health Department or its designee shall have primary responsibility for enforcement of this provision and shall have authority to issue citations for violation(s). The Health Department or its designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.

D. The Health Department may enforce this by-law or enjoin violations thereof through any lawful process, and the election of one remedy by the Health Department shall not preclude enforcement through any other lawful means.

E. Penalties and Fines for Violations

Violations of this ordinance may be enforced as follows:

1. This bylaw shall be enforced by the Health Department or its designee, including the Department of Public Works. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to the following penalties:

For the first violation, the Health Department or its designee, upon determination that a violation has occurred, shall issue a written warning notice to the food establishment which will specify the violation and the appropriate penalties in the event of future violations.

Thereafter, the following penalties shall apply:

(a). A fine of one hundred dollars (\$100.00) for the first violation following the issuance of a warning notice.

(b). A fine of two hundred and fifty dollars (\$250.00) for the second and any other violation that occurs following the issuance of a warning notice.

2. Fines are cumulative and each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

3. Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars.

## **PUBLIC WORKS**

1. Disturbing Highway Surface or Curbing (STM - November 3, 1969 - Art. 17)

No person shall make any excavation in any public way, disturb its curbing or pavement, pave any unpaved portion thereof, or remove earth or gravel therefrom, without first obtaining a written permit therefor from the town manager, and no person who has received such a permit shall violate any restrictions or conditions contained therein.

2. Driveway Entrance Permits STM - November 3, 1969 - Art. 17)